

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DARREN GILBERT,

Plaintiff,

v.

ABDO N. MOHAMAD, *et al.*,

Defendants.

Case No. 1:22-cv-00554-JLT-EPG

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

(Docs. 11, 15).

Darren Gilbert filed a motion for default judgment requesting that judgment be entered against Defendants Abdo N. Mohamad and Nasser M. Obaid *doing business as* Olsen Service Station, and that Plaintiff be awarded injunctive relief, statutory damages, attorneys' fees, and costs. (Doc. 11). The assigned magistrate judge entered findings and recommendations, recommending that Plaintiff's motion for default judgment be granted in part. (Doc. 15). Specifically, the assigned magistrate judge recommended that Plaintiff's motion be granted, apart from a modification in Plaintiff's requested attorney fees. (*Id.*) The Court provided the parties an opportunity to file objections to the findings and recommendations. To date, no objections have been filed.

According to 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings

1 and recommendations to be supported by the record and proper analysis. The procedures set forth
2 in Federal Rule of Civil Procedure 15 remain available to Plaintiff should discovery reveal
3 additional, relevant facts. Thus, the Court **ORDERS**:

4 1. The findings and recommendations issued May 2, 2023 (Doc. 15) are **ADOPTED**
5 **IN FULL**.

6 2. Plaintiff's motion for default judgment (Doc. 11) is **GRANTED**, in part, as
7 specified below:

8 a. It is declared that Defendants Abdo N. Mohamad and Nasser M. Obaid dba
9 Olsen Service Station violated Title III of the Americans with Disabilities Act,
10 for the purposes of California Unruh Civil Rights Act damages.

11 b. Judgment is entered in favor of Plaintiff Darren Gilbert and against Defendants
12 Abdo N. Mohamad and Nasser M. Obaid dba Olsen Service Station.

13 c. Defendants Abdo N. Mohamad and Nasser M. Obaid dba Olsen Service
14 Station shall, within six months of service of this order, make the real property
15 known as Olsen's Gas & Liquor, located at 1541 Crows Landing Road in
16 Modesto, California accessible to Plaintiff by making the following
17 modifications to the property such that each item is brought into compliance
18 with the accessibility requirements of the Americans with Disabilities Act and
19 California Code of Regulations, Title 24, as follows:

20 i. Provide proper signage and pavement markings to identify a designated
21 accessible parking and access aisle;

22 ii. Provide adequate space for a van-accessible access aisle;

23 iii. Provide a properly configured entrance ramp to the store.

24 d. Plaintiff is awarded statutory damages under the California Unruh Civil Rights
25 Act in the amount of \$4,000.00, payable by Defendants Abdo N. Mohamad
26 and Nasser M. Obaid dba Olsen Service Station, jointly and severally, to the
27 Moore Law Firm, P.C. Trust Account, which shall be delivered to the Moore
28 Law Firm, P.C., 300 South First Street, Suite 342, San Jose, California 95113,

1 within 30 days of service of this order.

2 e. Plaintiff is awarded attorneys' fees in the amount of \$956.50 plus an additional
3 \$771.75 in costs, payable by Defendants Abdo N. Mohamad and Nasser M.
4 Obaid dba Olsen Service Station, jointly and severally, to the Moore Law
5 Firm, P.C. Trust Account, which shall be delivered to the Moore Law Firm,
6 P.C., 300 South First Street, Suite 342, San Jose, California 95113, within 30
7 days of service of this order.

8 3. The Clerk of the Court is directed to close this case.

9
10 IT IS SO ORDERED.

11 Dated: May 26, 2023


UNITED STATES DISTRICT JUDGE